

IN THE UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF ALABAMA

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WILLIAM S. MCLAURINE, II
plaintiff, pro se

v.

the CITY OF AUBURN, ALABAMA
unnamed police DISPATCHER
deputy director BENJAMIN WALKER
Officer LAVARRO BEAN
Lieutenant MATTHEWS
Lieutenant KEITH HOWELL
Chief FRANK DEGRAFFENRIED
DAVID WATKINS
director "BILL" JAMES
City Manager CHARLES DUGGAN

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EDRA P. HACKETT, C.
U.S. DISTRICT COURT
MIDDLE DISTRICT ALA

CIVIL ACTION NO. 3:06cv1014-MEF

DEMAND FOR JURY TRIAL

MOTION FOR SUMMARY JUDGEMENT ON COUNT 3 AND 4

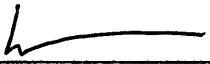
The Plaintiff MOVES for SUMMARY JUDGEMENT in Favor of the Plaintiff on Counts 3 and 4 concerning racial discrimination by Officer Lavarro Bean and the named defendants responsible for supervision and training. The Plaintiff MOVES the requested remedies listed damages of \$20,000.00 in the AMENDED COMPLAINT be granted as punitive damages and assigned against the defendants Officer Lavarro Bean, and The City of Auburn, Alabama as the court sees fit. The Plaintiff MOVES the declaratory and/or injunctive actions requested in the AMENDED COMPLAINT be assessed against the Defendants listed in Count 4.

AS GROUNDS for this MOTION the plaintiff presents the following: Statements made oath by Officer Lavarro Bean found in the APPEAL TO ALABAMA COURT OF CRIMINAL APPEALS on pages 99, 309, and 319-320. Such statements indicate a clear interjection of race and elements of national origin is into a manner in which it did not belong. The testimony also demonstrates that the issue of race was raised by the Prosecutor in each instance. This demonstrates a knowledge by a legal representative of the City of Auburn, of activity that can be considered inappropriate, but acceptable as a "joke". The Plaintiff also submits the statements (see AFFIDAVIT FOR DECLARATION OF DISCOVERY number 2) as evidence of emotional effect of such racial intimidation on the Plaintiff. The Plaintiff also submits the record of the Auburn City Council on December 20, 2004 concerning defendant David Watkins interference with the right to free speech and right to petition for greivences on the matter of race, and the compliance of the city council with his requests as evidence of "policy" of the City of Auburn, Alabama on matters of Civil Rights. (see AFFIDAVIT FOR

DECLARATION OF DISCOVERY number 3)

I declare under penalty of perjury that the above information is true and correct.

DATE: March 29, 2007



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